

**IN THE UNITED STATES BANKRUPTCY COURT FOR
THE NORTHERN DISTRICT OF MISSISSIPPI**

**IN RE:
TRACY A. PEOPLES**

**CHAPTER 13 CASE NO.:
19-10690-JDW**

NOTICE OF TRUSTEE'S MOTION TO DISMISS

Should any party receiving this Notice respond or object to the Motion to Dismiss, such response or objection is required to be filed on or before April 29, 2019, using the CM/ECF system or with the Clerk of this Court at the following address:

Shallanda J. Clay, Clerk of Court
U. S. Bankruptcy Court
Northern District of Mississippi
703 Highway 145 North
Aberdeen, MS 39730

A copy must be served on the Chapter 13 Trustee. If no response is filed, the Court may consider the Motion immediately after the time has expired. In the event a written response is filed, the Court will notify you of the date, time and place of the hearing thereon.

CERTIFICATE OF SERVICE

I, the undersigned attorney for the Chapter 13 Trustee, do hereby certify that I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, and I hereby certify that I either mailed by United States Postal Service, first class, postage prepaid, or electronically notified through the CM/ECF system, a copy of the above and foregoing to the Debtor, attorney for the Debtor, the United States Trustee, and other parties in interest, if any, as identified below.

Dated: April 4, 2019

**LOCKE D. BARKLEY
CHAPTER 13 TRUSTEE**

/s/ Melanie T. Vardaman
ATTORNEYS FOR TRUSTEE
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**IN THE UNITED STATES BANKRUPTCY COURT FOR
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TRUSTEE'S MOTION TO DISMISS

COMES NOW Locke D. Barkley, Chapter 13 Trustee (the "Trustee"), by and through counsel, and files this Motion to Dismiss (the "Motion") and in support thereof states as follows:

1. The Debtor commenced this proceeding by filing a Voluntary Chapter 13 Petition on February 18, 2019 (the "Petition Date").
2. On February 27, 2019, State Bank and Trust Company filed a nonpriority unsecured claim in the amount of \$413,765.27 (Clm. #3-1). As of the date of this Motion, the total amount of timely filed and allowed proofs of claims filed by nonpriority unsecured creditors is \$416,664.48 and the deadline to file proofs of claim has not yet passed.
3. Due to the amount of noncontingent, liquidated unsecured debts owed the Debtor is not eligible to be a debtor in a Chapter 13 proceeding pursuant to 11 U.S.C. § 109(g).
4. The Trustee requests that the Debtor's case be dismissed pursuant to 11 U.S.C. § 109(g)

WHEREFORE, PREMISES CONSIDERED, the Trustee prays that upon notice and hearing that this Court enter its order granting the Motion. The Trustee prays for other such general and specific relief as this Court may deem just.

Dated: April 4, 2019.

Respectfully submitted,

**LOCKE D. BARKLEY
CHAPTER 13 TRUSTEE**

BY: /s/ Melanie T. Vardaman
MELANIE T. VARDAMAN (MSB# 100392)
W. Jeffrey Collier (MSB 10645)
Attorneys for the Chapter 13 Trustee
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Jackson, Miss. 39211
(601) 355-6661
ssmith@barkley13.com

CERTIFICATE OF SERVICE

I, the undersigned attorney for the Trustee, do hereby certify that I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, and I hereby certify that I either mailed by United States Postal Service, first class, postage prepaid, or electronically notified through the CM/ECF system, a copy of the above and foregoing to the Debtor, attorney for the Debtor, the United States Trustee, and other parties in interest, if any, as identified below.

Dated: April 4, 2019

/s/ Melanie T. Vardaman
MELANIE T. VARDAMAN